



4. The June 20, 2009 Final Award of Arbitrator Ira. F. Jaffe, Esquire should therefore be affirmed and enforced.

5. Defendants should be awarded its attorneys' fees and costs incurred in connection with this action pursuant to 29 U.S.C. §1451(e).

**WHEREFORE**, Defendant D.A. Nolt, Inc. respectfully requests that this court enter an Order granting summary judgment and:

1. Affirming the March 5, 2009 Opinion and Award, and the June 20, 2009 Final Award, entered by Impartial Arbitrator Ira. F. Jaffe, Esquire in resolution of the arbitration conducted pursuant to 29 U.S.C. §1401(a) of the Multiemployer Pension Plan Amendments Act of 1980 ("MPPAA").

2. Enforcing paragraph 9 of the June 20, 2009 Final Award and requiring the Plaintiffs to refund to Defendant D.A. Nolt, Inc., no later than 30 days after the entry of this Order, all withdrawal liability payments made by D.A. Nolt, Inc., together with statutory interest pursuant to 29 C.F.R. §4219.31(d), .

3. Awarding D.A. Nolt, Inc., pursuant to 29 U.S.C. §1451(e), all attorneys' fees and costs incurred in connection with the instant action commenced by the Plaintiffs

**COHEN, SEGLIAS, PALLAS,  
GREENHALL & FURMAN, P.C.**

s/ Marc Furman                      s/ Mark J. Leavy  
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DATED: December 23, 2009

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